



Town of Lancaster
Board of Appeals
Lancaster, Massachusetts 01523

Memorandum

To: Jeanne Rich, Chair – Board of Appeals

From: Michael Antonellis, Director of Community Development & Planning

CC: Board of Appeals Members

Date: March 26, 2020

Re: **Use Variance: Lot 109 Vincent Ave**

Application – Use Variance

Petitioner: David Murphy

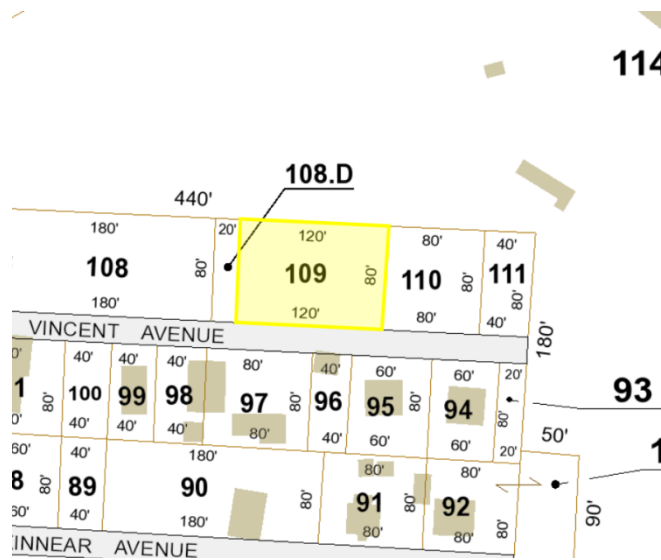
Address: Vincent Ave 9 Assessor's Map 10, lot 109)

Scheduled Meeting Date: March 26, 2020

Project Summary

A petition by David Murphy (applicant) for a Use Variance to construct two accessory structures without including a garage and a wood shop pursuant to 220-61.F. the Town of Lancaster Zoning Bylaws.

Project Location



Staff Recommendation

If the board chooses to approve the application, then it should make specific findings pursuant to the criteria noted in Section 220-61.F. Reference below review.

If approved, the board may impose conditions that are limited to the property and the work proposed. Staff suggests the following conditions of approval:

1. Any expansion of buildings or the addition of living space must require additional review and amendments of the grant of this variance.
2. That the proposed structures be used and maintained as typical accessory structures commonly associated with a single family home;
3. That no business or businesses be operated out of any of the proposed structures.
4. That no storage of any materials or vehicles be conducted in the front of the lot which may create an obstruction to the rights to cross along Vincent Avenue.
5. That no additional traffic be generated by the proposed use that isn't normally associated with an accessory use.
6. To limit noise and adverse impacts to immediate abutters, operation of the woodshop and the garage shall be limited from 8 a.m. to 6 p.m.

Waivers Requested

No waivers have been requested

Prior Approvals

None.

Review

Section 220-61.F Use Variances

(1) The Board of Appeals may grant a variance for use, but only if it finds that the following criteria are met, as well as those established for variances by MGL c. 40A, § 10.

(a) Such variance shall be applied only to structures in existence and adapted for the intended purpose at the time that the proposed use was made nonconforming through amendment to the Zoning Bylaw or Map;

The proposal is to erect two new buildings.

(b) The proposed use or activity is one that is beneficial to the community at large, or to its existing public or semipublic institutions;

The proposed use is for personal, residential use. The applicant should comment as you how the application meets this criteria.

(c) No reasonable alternative is provided in the bylaw for the location of the proposed use.

There are no other allowable uses for the lot, except to construct a Single-family home. At this time is unknown if, per the nonconforming nature of the lot, a home could be built. The applicant would need to submit a title search confirming the lot was not commonly owned since the current iteration of the bylaw has been in place, making the lot nonconforming.

(2) Anyone filing a petition for a use variance shall submit complete copies of said petition to the Planning Board and the Select Board at least 35 days prior to the scheduled public hearing on said variance petition. The Select Board and the Planning Board shall have 35 days from receipt of a copy of the application to comment on the applicability of the provisions above and to suggest needed conditions and safeguards before the Board of Appeals renders a decision.

The BOS and PB chair have been notified of the filing. No comments were submitted.

Additional Questions / Comments to the Applicant

The board may use these comments at their discretion. If the board feels these have been answered to their satisfaction at a previous hearing then please move to a different question.

1. Were there ever any structures, accessory or otherwise, located on the land? If so, provide documentation.
2. Please define the use of the “wood shop”. What will be the use of this structure?
3. Please confirm there will be no businesses conducted you of the proposed buildings.
4. Please confirm there will be no additional traffic with the proposed uses.
5. Please comment on how noise levels will be mitigated as to avoid unnecessary impacts to neighbors.

Legal Ad Publication Dates

Friday March 6 and 13, 2020
